

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	NO. 2:19-CR-00010
)	
)	JUDGE CAMPBELL
GILBERT GHEARING)	

UNITED STATES' MOTION FOR LEAVE
TO FILE MOTION *IN LIMINE* PAST THE COURT-IMPOSED DEADLINE

The United States of America, by its attorneys Thomas J. Jaworski, Attorney for the United States Acting Under Authority Conferred by 28 U.S.C. § 515, and Sarah K. Bogni, Juliet Aldridge, and Amanda J. Klopff, Assistant United States Attorney, hereby moves for leave to file its motion *in limine* after the deadline set by the Court. In support of such motion, the United States submits the following:

1. On February 3, 2023, the Court issued an order related to the scheduling of matters in this case, which provided in relevant part that by February 7, 2023, the parties should file motions concerning matters not previously addressed. (DE 1131).
2. On August 15, 2022, the United States provided the defendant with a production specific to business records certifications, which included the bulk of the certifications in the attached motion.
3. On September 3, 2022, the United States sent a set of proposed stipulations to the defendant that included reference to the business records. The Defendant declined to accept the stipulation.

4. On February 8, 2023, the United States sent a revised set of proposed stipulation to the defendant that included reference to the business records. At this point, it appears that a stipulation will not be agreed to.

5. The United States hereby requests leave to late-file its *Motion in Limine*. Resolving the issue of the admissibility of business records based upon a certificate of authentication in accordance with Federal Rules of Evidence 803(6) and 902(11) prior to trial could ensure that multiple unnecessary witnesses would not need to be called before this Court, and would expedite the trial.

WHEREFORE, the United States respectfully requests leave to late file its *Motion in Limine to Admit Documents Pursuant to Business Records Certifications*.

Respectfully submitted,

THOMAS J. JAWORSKI
Attorney for the United States
Middle District of Tennessee
Acting Under Authority Conferred
by 28 U.S.C. § 515

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CERTIFICATE OF SERVICE

I hereby certify that on February 13, 2023, a copy of the foregoing document was filed on CM/ECF, which will send notifications to all parties or their counsel of record.

s/ Amanda Klopf
AMANDA KLOPF
Assistant United States Attorney